

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANNETT HOLDINGS, INC. d/b/a TMC
TRANSPORTATION, INC. and
YELLOWSTONE TRUCKING, INC.,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYDS
AND THOSE COMPANIES SEVERALLY
SUBSCRIBING TO BOEING POLICY
NUMBER 509/JC487006, RLI INSURANCE
COMPANY, GREAT AMERICAN
INSURANCE COMPANY, TOKIO MARINE &
NICHIDO FIRE INSURANCE COMPANY,
FIREMAN'S FUND INSURANCE COMPANY,
ROYAL & SUN ALLIANCE INSURANCE
PLC, ST. PAUL FIRE & MARINE
INSURANCE COMPANY, MITSUI
SUMITOMO INSURANCE COMPANY OF
AMERICA, XL SPECIALTY INSURANCE
COMPANY, THE BALOISE INSURANCE
COMPANY, LTD., HARTFORD FIRE
INSURANCE COMPANY, ZURICH GLOBAL
CORPORATE, UK LTD.,

Defendants.

CASE NO.: 08 C 1106 (JHL) (NRN)

HONORABLE JUDGE LEFKOW

NOTICE OF MOTION TO DISMISS THIS ACTION DUE TO A
PRIOR ACTION PENDING

PLEASE TAKE NOTICE THAT on 6th day of May, 2008 at 9:30 a.m. in Room 1925 of the United States District Court, Northern District of Illinois, Chicago, Defendants, Certain Underwriters at Lloyds and those companies severally subscribing to Boeing Policy Number 509/JC487006, Royal & Sun Alliance Insurance plc, RLI Insurance Company, St. Paul Fire & Marine Insurance Company, Great American Insurance Company, Mitsui Sumitomo Insurance Company of America, Tokio Marine & Nichido Fire Insurance Company, XL Specialty Insurance Company, Fireman's Fund Insurance Company, The Baloise Insurance Company, Ltd., Hartford Fire Insurance Company and

Zurich Global Corporate, UK Ltd. (hereinafter "Defendants") will move this Honorable Court for an order:

Dismissing this action due to a prior action pending in the Western District of Washington.

Respectfully Submitted,
SCHOEN MANGAN & SMITH, LTD.

By: s/Thomas P. Mangan
Thomas P. Mangan, Esq.
200 W. Adams, Suite 1005
Chicago, IL 60606
Tel: (312) 726-5151
Fax: (312) 726-0884
Email: tmangan@schoenmslaw.com

and

MALOOF BROWNE & EAGAN, LLC
David T. Maloof, Esq.
Thomas M. Eagan, Esq.
411 Theodore Fremd Avenue, Suite 190
Rye, New York 10580
Tel: (914) 921-1200
Fax: (914) 921-1023
Email: dmaloof@maloofandbrowne.com
Attorneys for Defendants